



Express Mail No.: EL 451 593 224 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ullrich, A. *et al.*

Serial No.: 08/426,509

Group Art Unit: 1646

Filed: April 21, 1995

Examiner: Sally Teng

For: NOVEL MEGAKARYOCYTIC
PROTEIN TYROSINE KINASES

Attorney Docket No.: 7683-074

RESPONSE

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

DEC 02 1999

TECH CENTER 1600/2900

Sir:

In response to the Office Action mailed May 26, 1998, Paper No. 27, and pursuant to the provisions of the Rules of Practice, please consider the following amendments and remarks. Applicants submit herewith: (1) a Petition to extend the time to reply to the outstanding Office Action for three months, accompanied by the appropriate fee; (2) a Second Declaration Pursuant to 37 C.F.R. § 1.131; (3) a copy of Paper Nos. 11 & 12 from the file history of U.S. Application Serial No. 07/826,935; and (4) a copy of Paper No. 9 from the file history of U.S. Application Serial No. 08/222,616.

REMARKS

Applicants acknowledge that the Examiner deems claims 31-37, 40-45 and 48 allowable.

The remaining claims, claims 49-52 and 55 relating to MKK3 polypeptides were rejected as obvious under 35 U.S.C. § 103(a) over either Avraham *et al.* (WO 93/15201) or the Bennett patent (U.S. Patent No. 5,635,177) in view of Sambrook *et al.* Assuming arguendo that the subject matter of Avraham or the Bennett patent did indeed make obvious the MKK3 polypeptides of the claimed invention, Applicants contend that neither reference is available as prior art as detailed below.